



# COUNTY OF LOS ANGELES

## CONTRACT CITIES LIABILITY TRUST FUND

### CLAIMS BOARD

500 WEST TEMPLE STREET  
LOS ANGELES, CALIFORNIA 90012

#### MEMBERS OF THE BOARD

May 7, 2003

Curtis Morris  
City Council Member  
Dennis Courtemarche  
City Manager  
Jesse Duff  
City Manager  
Margaret Finlay  
City Council Member  
Jerome Groomes  
City Manager  
John McTaggart  
City Council Member  
Sam Olivito,  
California Contract  
Cities Association

Honorable Board of Supervisors  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

Re: **Robert and Mary Arndt v. County of Los Angeles**  
**Los Angeles Superior Court Case No. VC 037 534**

Dear Supervisors:

The Contract Cities Liability Trust Fund Claims Board recommends that:

1. The Board authorize settlement of the above-entitled action in the amount of \$1,050,000.00.
2. The Auditor-Controller be directed to draw a warrant to implement this settlement from the Sheriff's Department Liability Trust Fund -Lakewood.

Enclosed is the settlement request and a summary of the facts of the case.

Also enclosed, for your information, is the Corrective Action Report submitted by the Sheriff's Department.

Return the executed, adopted copy to Frances Lunetta, Suite 648 Kenneth Hahn Hall of Administration, (213) 974-1754.

Very truly yours,

Curtis Morris, Chair  
Los Angeles County Contract Cities  
Liability Trust Fund Claims Board

CM/fsl

Enclosures

# MEMORANDUM

April 28, 2003

TO: THE COUNTY OF LOS ANGELES CONTRACT CITIES  
LIABILITY TRUST FUND CLAIMS BOARD

FROM: Henry Patrick Nelson  
NELSON & FULTON  
  
Roger H. Granbo  
Principal Deputy County Counsel  
General Litigation Division

RE: **Robert and Mary Arndt v. County of Los Angeles**  
**Los Angeles Superior Court Case No. VC037534**

DATE OF  
INCIDENT: April 4, 2002

AUTHORITY  
REQUESTED: \$ 1,050,000

COUNTY  
DEPARTMENT: Sheriff's Department - City of Lakewood - Contract Cities Trust Fund

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## CLAIMS BOARD ACTION:

☐

Approve

☐

Disapprove

☒

Recommend to Board of  
Supervisors for Approval

  
MARGARET FINLAY

City Council Member

  
JOHN MCTAGGART

City Council Member

  
CURTIS MORRIS

City Council Member

  
DENNIS COURTEMARCHE

City Manager

  
JEROME GROOMES

City Manager

  
JESSE DUFF

City Manager

  
SAM OLIVITO

California Contract Cities Association

on May 7, 2003

## **SUMMARY**

This is a recommendation to settle for \$1,050,000, a lawsuit filed by Mary Arndt and Robert Arndt who were injured in an automobile accident with a Sheriff's Department patrol car.

## **LEGAL PRINCIPLES**

A public entity is responsible for the negligent and intentional acts of its employees when the acts are done in the course and scope of employment.

## **SUMMARY OF FACTS**

On April 4, 2002, at approximately 11:30 a.m., Robert Arndt, age 76, and his wife Mary Arndt, age 75, were stopped at a red light on the eastbound portion of Centralia Street at the intersection of Norwalk Boulevard in the City of Lakewood. When the light turned green they proceeded into the intersection, and were hit on the passenger side by a marked patrol car driven by a Sheriff's Deputy northbound on Norwalk Boulevard at approximately 40 miles per hour. Mary Arndt was the driver and Robert Arndt was the passenger.

Robert Arndt, who previously suffered a heart attack that left him with a serious brain injury, suffered a subdural hematoma, a fractured right hip, and multiple soft tissue injuries. He was in the hospital for 118 days. In addition, he is now confined to a wheel chair and his mental capacity, which was severely impaired prior to the accident, has diminished since the accident.

Mary Arndt suffered a fractured right clavicle, subdural hematoma, with complaints of pain in the right arm, and chest area. She also sustained soft tissue injuries to her back, neck, and right knee.

## **DAMAGES**

Should this matter proceed to trial, the potential damages could be as follows:

Robert Arndt's medical expenses	\$ 300,000
Robert Arndt's future medical expenses	\$ 200,000
Robert Arndt's pain and suffering	\$ 1,750,000
Mary Arndt's medical expenses	\$ 20,000
Mary Arndt's Pain and Suffering	<u>\$ 750,000</u>
Total	<u>\$ 3,020,000</u>

The settlement calls for the County to pay \$1,050,000 to Robert and Mary Arndt for all claims for damages, costs, and attorney's fees.

## STATUS OF CASE

The trial court proceedings have been suspended pending consideration of the proposed settlement.

Expenses incurred by the County in defense of this matter are attorney's fees of \$10,899 and \$4,609 in costs.

## EVALUATION

The facts of the case are in dispute. Mary Arndt contends that she entered the intersection after the light turned green and the Sheriff's Deputy claims that he entered the intersection on a yellow light. However, the investigating officer found that the Sheriff's Deputy was the cause of the accident for failing to stop for a red light.

A reasonable settlement at this time will avoid further litigation costs and a jury verdict that could exceed the proposed settlement.

We join with our private counsel, Nelson and Fulton, and our third party administrator, Carl Warren and Company, in recommending a settlement of this matter in the amount of \$1,050,000. The Sheriff's Department concurs in the recommendation.

APPROVED:

  
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GARY N. MILLER  
Acting Assistant County Counsel

RHG:ser

# Los Angeles County Sheriff's Department

## CORRECTIVE ACTION REPORT

**LAWSUIT OF:** Robert & Mary Arndt v. County of Los Angeles

**INCIDENT DATE:** April 4, 2002

**INCIDENT LOCATION:** Norwalk Boulevard & Centralia Street, Lakewood, California

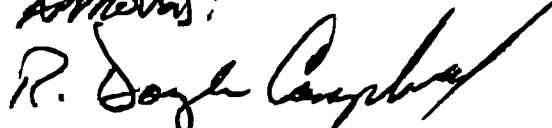
**RISK ISSUES:** A public entity and its employees can be liable for injuries caused by the negligent operation of a vehicle by a deputy in the course and scope of his duties.

**INVESTIGATIVE REVIEW:** On April 4, 2002, at 11:30 a.m., the involved deputy was driving a department patrol vehicle northbound on Norwalk Boulevard, and the plaintiffs were driving eastbound on Centralia Street. At the intersection of the two streets which is controlled by traffic signals, a collision occurred between the two vehicles. Witnesses differ as to the incident. Some agree with the deputy that he drove through the intersection on a yellow light, while others are definite that the plaintiffs drove through the intersection on a green light in their favor.

As a result of this collision the plaintiffs suffered significant injuries. Robert Arndt was hospitalized for 118 days with a subdural hematoma, fractured right hip, and cuts and bruises. A prior heart attack had left him brain damaged and Mary took care of him. Mary and her daughter, Roberta would testify that Robert needs a wheel chair to move about, and that he walks only a short distance aided by a walker. They are both prepared to testify that he is far worse off now than before the collision.

Mary Arndt was hospitalized also, but released after a short stay. She suffered a fractured right clavicle, small subdural hematoma, (probable concussion), with complaints of pain in the right arm and chest area. Mary has a history of chronic pulmonary disease, chronic low back, neck and right knee pain, with a long history of treatment. Mary still does tasks for Robert, although her daughter, Roberta states that she is now the paid care giver for both Robert and Mary who are both over 70 years old and very frail. Robert is probably incompetent to testify, although he would be a very sympathetic silent witness sitting in court in his wheel chair. Mary and Roberta would be very sympathetic witnesses, and any tough cross-examination would produce more sympathy to this liability case. Should this matter be tried, the potential exposure for medical expenses and personal injuries could total \$2,950,000.

**TRAINING ISSUES:** At the time of this incident, the Los Angeles County Sheriff's Department had a well-established training curriculum concerning the operation of departmental vehicles under both emergent and routine situations.

*Approved:*  


**POLICY ISSUES:** The Los Angeles County Sheriff's Department has clear and well-defined policies and procedures for the safe operation of its motor vehicles. Under existing Sheriff's Department policy, an employee shall not operate a motor vehicle in an unsafe or negligent manner, and shall always employ defensive driving techniques, availing himself of every reasonable means to avoid or prevent a collision. A station level investigation was initiated in this incident and concluded that the involved deputy had violated existing policy provisions regarding the safe operation of vehicles.

**CORRECTIVE ACTION:** Based on an traffic accident investigation of this incident by the Sheriff's Department, the deputy was found to be at fault for failing to stop for a red light prior to entering the intersection. Subsequent to an administrative review, appropriate disciplinary action was administered.